## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL NO. 3:11MC176-FDW-DSC

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) MEMORANDUM AND ORDER
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**THIS MATTER** is before the Court on Petitioner J. Christian Stevenson's "Motion to Quash Subpoena Directed to J. Christian Stevenson," Doc. 1, and the parties' associated briefs and exhibits. See Docs. 2-7.

Petitioner Stevenson is a North Carolina lawyer who works and resides in Charlotte, North Carolina. He represented Fifth Third Bank in a North Carolina real estate transaction which is the subject of a pending lawsuit in the United States District Court for the District of South Carolina. Stevenson gave his deposition by consent on October 24, 2011. He answered all questions posed to him except for those where the attorney-client privilege was asserted between him and his client Fifth Third Bank, the Defendant in the South Carolina case.

On November 8, 2011, Respondent's counsel issued a subpoena seeking to depose Stevenson for a second time and to compel him to testify about privileged information (the "Subpoena"). On November 14, 2011, Petitioner Stevenson filed the instant action to quash the Subpoena.

Having carefully reviewed the pleadings, record, and applicable authority, and for the reasons stated in the "Brief in Support of Motion to Quash Subpoena Directed to J. Christian Stevenson," Doc. 2, and "Non-Party J. Christian Stevenson's Reply to Plaintiff's Response to

Motion to Quash," Doc. 7, Petitioner J. Christian Stevenson's Motion to Quash is **GRANTED**.

## **IT IS HEREBY ORDERED** that:

- 1. The "Motion to Quash Subpoena Directed to J. Christian Stevenson," Doc. 1, is **GRANTED** and the subpoena issued to J. Christian Stevenson dated November 8, 2011 and attached as Exhibit A to Doc. 1 is **QUASHED**.
- 2. The Clerk is directed to send copies of this Memorandum and Order to counsel for the parties; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: November 23, 2011

David S. Cayer

United States Magistrate Judge